

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

MARIO ESTUARDO TOJ COS,	)	
	)	Case No. 25-cv-11261
Petitioner,	)	
	)	<b>PETITION FOR WRIT OF</b>
v.	)	<b>HABEAS CORPUS</b>
	)	
PATRICIA HYDE, Field Office Director,	)	
MICHAEL KROL, HSI New England Special	)	
Agent in Charge, and TODD LYONS, Acting	)	
Director U.S. Immigrations and Customs	)	
Enforcement, and KRISTI NOEM, U.S. Secretary	)	
of Homeland Security,	)	
	)	
Respondents.	)	

**INTRODUCTION**

1. Petitioner MARIO ESTUARDO TOJ COS is a Guatemalan national currently present as an Unaccompanied Alien Child released by the Office of Refugee Resettlement in 2022. Ex. 1. On information and belief, he was unlawfully detained by federal immigration agents on May 7, 2025.
2. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.
3. Petitioner asks this Court to find that he was unlawfully detained and order his release.

**JURISDICTION**

4. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
5. Venue is proper because Petitioner resides and was detained in New Bedford, MA, and on information and belief is detained in the District of Massachusetts.

**PARTIES AND FACTS ALLEGED**

6. The Petitioner MARIO ESTUARDO TOJ COS is a 20 year old young man who was detained on his way to work. At the time of detention, he was merely a passenger in the vehicle that was stopped. He resides in New Bedford, Massachusetts.
7. Respondent Patricia Hyde is the New England Field Office Director for U.S. Immigration and Customs Enforcement.
8. Respondent Michael Krol is the New England Special Agent in Charge for Homeland Security Investigations for U.S. Immigration and Customs Enforcement.
9. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.
10. Respondent Kristi Noem is the U.S. Secretary of Homeland Security.
11. All respondents are named in their official capacities.
12. Petitioner is a Guatemalan national currently present as an Unaccompanied Alien Child released by the Office of Refugee Resettlement in 2022. On information and belief, he was detained without cause by U.S. Immigration and Customs Enforcement agents on May 7, 2025.
13. On information and belief, Petitioner is currently in custody in the District of Massachusetts, and one or more of the Respondents is his immediate custodian.

**CLAIMS FOR RELIEF**

**COUNT ONE**

**Violation of Fifth Amendment Right to Due Process**

1. On information and belief, Petitioner is currently being arrested and detained by federal agents without cause and in violation of his constitutional rights to due process of law.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner shall not be transferred outside the District of Massachusetts;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,  
*Counsel for Petitioner*

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